

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D. C. 20554**

**In the Matter of** )  
 )  
**Telephone Number Portability** ) **CC Docket No. 95-116**

**COMMENTS OF CINCINNATI BELL WIRELESS LLC**

Cincinnati Bell Wireless LLC (“CBW”)<sup>1</sup> files these comments in support of the Cellular Telecommunications & Internet Association (“CTIA”) Petition for Declaratory Ruling that was filed with the Commission on May 13, 2003 in the above referenced proceeding.<sup>2</sup> These comments are filed in accordance with the Commission’s May 22, 2003 Public Notice which solicits comment on the issues raised in the CTIA Petition.<sup>3</sup>

**I. INTRODUCTION**

In its Petition, CTIA asks the Commission to address several issues related to the implementation of wireless number portability. The issues that CTIA identifies in its Petition are issues that have been outstanding for quite some time, but which the industry has been unable to resolve. In its Petition, CTIA implores the Commission to resolve

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<sup>1</sup> CBW provides broadband PCS service in the Cincinnati and Dayton, Ohio Basic Trading Areas (“BTA”), which includes Cincinnati and Dayton, Ohio, as well as several counties in northern Kentucky and a portion of several southeastern Indiana counties.

<sup>2</sup> *Telephone Number Portability*, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed May 13, 2003 (“CTIA Petition”).

<sup>3</sup> *Comment Sought on CTIA Petition for Declaratory Ruling on Local Number Portability Implementation Issues*, CC Docket No. 95-116, Public Notice, DA 03-1753, (rel. May 22, 2003).

these issues in a timely fashion so that wireless and wireline carriers can complete the changes necessary for them to deploy local number portability (“LNP”) by the November 24, 2003 deadline.

CBW is currently in the process of upgrading its network to accommodate LNP, however, much work still remains to be done. With the time for intercarrier testing rapidly approaching, it is crucial that the issues raised by CTIA be resolved. CBW must know whether formal interconnection agreements are required between carriers to accommodate LNP and what type of standards are acceptable within these contracts or agreements. Moreover, if the Commission does not address the issues raised in the CTIA Petition, what process is to be followed if carriers cannot agree on terms and conditions for LNP? Although the interconnection issues and porting intervals, must be resolved, CBW submits that the two most critical outstanding issues are the rate center mismatch problem outlined in CTIA’s January 23, 2003 Rate Center Petition<sup>4</sup> and the lack of a definitive ruling from the Commission on the need for carriers to support roaming in an LNP environment.

## **II. DISCUSSION**

### **Porting Intervals**

CTIA points to the wide disparity in the amount of time wireless versus wireline providers contend they need to process ports. Although the industry has tried for quite some time to reach agreement on the porting interval, an agreement between the wireline

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<sup>4</sup> *Comment sought on CTIA Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Area*, CC Docket No. 95-116, Public Notice, 18 FCC Rcd 832 (2003); see *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed January 23, 2003) (“CTIA Rate Center Petition”).

and wireless carriers remains elusive. CBW urges the Commission to establish minimum porting standards so that customers can be informed when their service will be activated.

One of the key benefits of a wireless phone is the ability to be ready on the spot. Wireless customers expect their service to be turned up immediately. Customers will become frustrated if they decide to change providers, and then discover that the new service will not be available for several days or more. Even more frustrating will be the fact that the new provider may not be able to tell the customer when their service can be activated with the ported number. CBW believes this will not encourage competition as wireless portability is intended to do, but rather will stifle it as consumers become exasperated with the process. In spite of the fact that the new carrier can try to explain that it is the old carrier who is slowing the process, the customer will most likely express his displeasure to the new carrier. In the worst case scenario, the wireless carrier to whom the customer is trying to switch may ultimately pay the price through a lost sale and future customer ill will. This carrier will be harmed due to factors that it cannot control. Furthermore, since most ports between wireline and wireless carriers will probably be for numbers moving from the wireline carrier to the wireless carrier, the wireline carrier will have no incentive to complete the porting process quickly.

CBW appreciates that it may be very costly for wireline carriers to upgrade their systems to accommodate a shortened porting interval. However, CBW believes that the implementation of number portability should not undermine the service that consumers have come to expect from wireless carriers. As the CTIA Petition indicates, the industry has been unable to resolve this inherent conflict between the wireline and wireless worlds. If the Commission continues to believe that wireline-wireless number portability

is important to consumers, it must take action to mitigate these potential problems by establishing a uniform porting interval that applies equally to both wireline and wireless carriers in cases of wireless number portability.

### **Interconnection Agreements**

CTIA indicates that there is general disagreement between the wireless and wireline industries as to whether or not wireless-wireline portability agreements fall under the section 252 interconnection procedures. CBW suspects that most wireline and wireless carriers that will be porting numbers to one another already have interconnection agreements in effect and that these agreements will be amended to incorporate the number portability provisions. However, in instances in which existing agreements are not in effect, a clarification by the Commission as to whether simple Service Level Porting Agreements are sufficient or whether the more formal section 252 interconnection negotiation process applies will ultimately speed up the implementation of number portability to customers in areas where there is disagreement between the carriers on this issue.

Another issue that arises in the context of agreements between carriers, is what occurs if the carriers do not reach agreement on the terms and conditions for number portability. This is an issue not just for wireless-wireline portability, but also wireless-wireless portability. CBW has already received proposed agreements that contain extremely onerous provisions that go far beyond the template for a Service Level Porting Agreement developed by CTIA and its members. If the carriers are unable to reach agreement before the desired implementation date, is number portability delayed until agreement is reached?

## **Rating and Routing Points**

Another issue that CTIA asks the Commission to resolve is the pending petition filed by Sprint seeking clarification that 1) an ILEC may not refuse to load telephone numbering resources of an interconnecting carrier; and 2) an ILEC may not refuse to honor the routing and rating points designated by that interconnecting carrier.<sup>5</sup> To date, CBW has not encountered any problems with ILECs refusing to properly load its numbering resources and to route and rate to the points CBW designates (even when the rating and routing points are different); however, CBW shares CTIA's concerns that with the advent of number portability this issue has the potential to become more controversial as the need to designate different rating and routing points will occur more frequently and in areas where previously it was not necessary. Commission clarification on this issue will help prevent potential problems.

## **Nationwide Roaming**

While acknowledging that the issue of nationwide roaming in a number portability environment must balance the importance of roaming to wireless subscribers against the financial burdens it places on smaller carriers, CTIA asks the Commission to clarify when the requirement to support nationwide roaming goes into effect for rural and small carriers. CBW believes that resolution of this issue is of the utmost importance to the success of wireless number portability. Being a small carrier itself, CBW appreciates the burden that number portability places on smaller carriers. However, CBW believes that if roaming is not supported by all carriers nationwide, the benefits of number

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<sup>5</sup> *Comment Sought on Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic*, CC Docket No. 01-92, Public Notice, 17 FCC Rcd 13859 (2002).

portability to consumers will be offset by the loss in service when they travel outside their home areas.

Consumers have come to expect that their wireless phones will be available to them outside of their home territory. However, if some carriers are no longer required to support roaming, a carrier like CBW who will be porting numbers and supporting roaming will have to try to explain to prospective customers wishing to port their numbers that CBW is not sure where they will be able to roam. Once again, consumers will most likely fault their new provider if roaming does not work in many areas where it previously did with their old provider. Furthermore, failure to require rural carriers to support roaming will create an inequity between carriers that support roaming and those that do not. Specifically, customers of rural carriers that do not supporting roaming for ported numbers will be able to roam nationwide, while ported customers of wireless carriers that implement number portability will not have the benefit of nationwide roaming.

Consumer groups and state regulators are already calling for more regulation of wireless carriers because of what they contend are increases in consumer complaints about wireless service quality, and rating and billing problems. The addition of number portability without the requirement that all carriers support roaming immediately will undoubtedly increase the number of consumer complaints. Unfortunately, the complaints will be against the wireless carriers who have implemented number portability and they will be powerless to do anything to correct the problem.

Wireless number portability is being sold to consumers simply as the ability to keep their number when switching to another carrier. Consumers generally switch

carriers to get better service or a better price for the same service. Consumers are not anticipating that the ability to keep their number may mean giving up services and features to which they are accustomed. For many consumers, particularly business customers, roaming is a critical feature. CBW believes that consumers will feel that they have been deceived by all the hype surrounding number portability when they discover that some of the features they expect can not be guaranteed if they port their number.

CBW understands that support for nationwide roaming will place additional expenses on some rural carriers that they would otherwise not have to incur. However, CBW submits that if wireless number portability is going to be meaningful to consumers, roaming must be guaranteed nationwide. Without support for nationwide roaming, number portability will simply be an empty promise to millions of wireless consumers who will pay the price for number portability but effectively will not be able to take advantage of it.

### **III. CONCLUSION**

If the Commission retains the requirement that wireless number portability take effect on November 24, 2003, it must clarify the issues raised in the CTIA Petition. Without such clarification the transition to wireless number portability will be fraught with problems that will adversely impact the services that consumers have come to rely upon. By frustrating and disillusioning customers these problems could harm wireless competition rather than enhance it. CBW urges the Commission to promptly address these issues so that carriers will have sufficient time to implement the necessary changes in order to meet the November 24, 2003 deadline. If the Commission is not able to

resolve these issues by September 1, 2003, it should delay the wireless number portability implementation date until the issues are resolved.

Respectfully submitted,

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